

Amendments to the Drawings

New drawings are submitted with new figure numbers that conform the figure numbers to the specification.

REMARKS

The present invention is a method for locating a terminal for delivery of a content in a broadcast network, a head end apparatus for use in a first multi-transmitter broadcast network, a terminal for use with a first multi-transmitter broadcast network, a system for delivering content to a mobile terminal and a method of delivering content using a selected transmitter of a first broadcast network. A method for locating a terminal 3 for delivery of content in a broadcast network 1 in accordance with the invention includes associating a terminal with a transmitter 12 operable in another network 27; interrogating 100 the another network to determine the location of the transmitter; and delivering the content to the terminal at the location of the transmitter.

Claim 1 stands rejected under 35 U.S.C. §102 as being anticipated by WO 99/33076 (Rebhan, et al.). In this regard it is noted that the Examiner apparently has not indicated other claims rejected under 35 U.S.C. §102 with it being understood that claims 1-13 and 16-18 stand rejected on grounds of anticipation since only claims 14 and 15 and 19 stand rejected on grounds of obviousness. Therefore the grounds of anticipation are traversed with respect to all claims except claims 14, 15 and 19 for the following reasons.

Rebhan, et al. discloses a method for transferring information to a consumer 190 who receives information from a broadcasting system 140 by locating a receiver in a broadcasting system 145 which transfers the location of the consumer so that information may be transferred in a cost effective manner using the broadcasting system 140. See page 17 lines 3-33. The determination of the location of the consumer is performed by using one or more pieces of information within the data structures in dependence upon the

specific network 140 which is disclosed as a DVB network. The information used for the determination maybe a combination of one or more of the original network identification, the transport stream identification and the network identification available to the data structures of the DVB transport stream. See page 18, lines 21-29. The bi-directional transfer network 130 is used to transfer the aforementioned information that uniquely identifies the transmitter or transmitters in the transport stream received by the receiver. See page 19 lines 14-33.

It should be noted that page 18, lines 30-35 through page 19, lines 1-13 specifically teach that it is not desirable to use a GPS positioning system to acquire the location of the terminal and further that it is not desirable to determine the location of the terminal using information about a cell based network 130.

Each of independent claims 1, 3, 4, 8, 11 and 18 recite in different degrees of specificity the utilization of the secondary network to acquire the position information of the terminal in a broadcast network. Claim 1 recites interrogating the another network to determine the location of the transmitter; claim 3 recites a processor operable to interrogate another network to determine the location of a transmitter associated with a terminal; claim 4 recites a controller operable in response to the request to transmit content to the terminal and to determine from transmitter location information of a suitable transmitter to deliver the content to the terminal; claim 8 recites the first network derives information relating to the location of the further transmitter by the first network interrogating the second network to determine the location of the further transmitter; claim 11 recites the first network derives

information relating to location of the further transmitter and claim 18 recites deriving location information relating to the second terminal from the second network and utilizing the location information in the selection of the selected transmitter. The aforementioned teachings of Rebhan pertaining to the processing of the one or more pieces of information in dependence upon the specific DVB network does not anticipate the aforementioned independent claims. Moreover, there is no basis in the record why a person of ordinary skill in the art would be lead to modify the teachings of Rebhan to arrive at the subject matter of the claims. As noted above, the bottom of page 18 and through the middle of page 19 suggests methodologies which Rebhan indicates will not work satisfactory and therefore would not motivate a person of ordinary skill in the art to modify the teachings of Rebhan to use technologies which Rebhan teaches are not operative appropriately in his system. The dependent claims define further aspects of the present invention which are not anticipated by Rebhan et al.

Claims 14-15 and 19 stand rejected under 35 U.S.C. §103 as being unpatentable over Rebhan. The grounds of rejection are traversed for the following reasons.

With respect to claim 14, the Examiner reasons that Rebhan does not expressly disclose that location information is derived from a home location register of the public land mobile network with the Examiner suggesting that official notice is taken that the use of a home location register is known to determine the location and mobile devices and a mobile network. The Examiner is relying upon impermissible hindsight in suggesting that the subject matter of claim 14 is obvious since he has not cited any prior art which

would suggest that a person of ordinary skill in the art would consider changing the methodology as taught by Rebhan et al. to rely upon the determine of location from the cellular architecture of the secondary network. It is submitted that such reasoning is based upon impermissible hindsight.

With respect to claim 15, the Examiner acknowledges that Rebhan et al. does not expressly disclose that location information is derived by base station triangulation but Examiner has again taken official notice that such is well known. However, as submitted above with respect to claim 14, the Examiner's reasoning is based upon impermissible hindsight with there being no demonstrable motivation why a person of ordinary skill in the art would fundamentally change the operation of Rebhan et al. which teaches away from the utilization of network intelligence at the bottom of page 18 and the top of page 19.

Claim 19 is patentable for the same reasons set forth above with respect to claim 14.

In view of the foregoing amendments and remarks it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to

Deposit Account No. 01-2135 (Case No. 367.40304X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald E. Stout", written over a horizontal line.

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Attachments